

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY

Petition for Approval of Lease Agreement Between Public Service Company of New Hampshire
d/b/a Eversource Energy and Northern Pass Transmission LLC

Docket No. DE 15-464

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY'S OBJECTION
TO MOTION TO COMPEL OF LAGASPENCE REALTY, LLC

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07 and RSA 541:3, Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource" or the "Company") hereby objects to the "Motion to Compel Response to Data Request" (the "Motion") submitted by Kevin Spencer and Mark Lagasse d/b/a Lagaspence Realty, LLC (the "Movants") on July 7, 2017. In support of this objection, Eversource states the following:

1. On October 19, 2015, Eversource filed a petition for approval of a lease transaction between it and Northern Pass Transmission LLC ("NPT") whereby PSNH would lease to NPT certain real estate rights owned by PSNH. Following an extensive process reviewing certain legal issues, Eversource was served with discovery on June 19, 2017, including by the Movants. On June 29, 2017, Eversource timely objected to some of the questions of the Movants including the question that is the subject of the Motion. On July 7, 2017, the Movants filed the Motion seeking to have the Commission compel a response to the underlying request. For the reasons explained below, the Motion violates the Commission's rules relative to such motions and, even if it did not, it is without merit and should, therefore, be denied.

2. As a first matter, Puc 203.09(i) sets certain requirements for a motion to compel a response to a data request. Among the requirements is that the moving party *shall* “Certify that the movant has made a good-faith effort to resolve the dispute informally.” Puc 203.09(1)(4). The Motion offers no such certification, and for good reason – there was no good-faith effort, or effort of any kind. At no point did the Movants make any effort whatsoever to resolve their purported dispute informally. In that the above certification is a requirement of a motion to compel, the Motion should, on that basis alone, be denied.
3. Should the Commission not deny the Motion for the reason stated above, the Motion is otherwise without merit. The Commission has repeatedly made clear the scope of this docket:

The Commission emphasizes that this proceeding is not about the merits of the Northern Pass Project. The Site Evaluation Committee is charged with reviewing that project *and all of the associated issues*. Our review here, as we have consistently stated, will be about whether the terms of the proposed lease between Eversource and NPT are reasonable and in the public interest, and whether Eversource’s customers are appropriately compensated by NPT for the use of Eversource’s rights-of-way. We remind intervenors that we have limited our review, and we will not adjudicate property rights in this proceeding.

Order No. 26,020 (May 24, 2017) at 6 (emphasis added). Thus, the Commission is reviewing the terms of a lease and the valuation of and compensation for the leased property, and other matters are explicitly left to other bodies.

4. Despite this clear statement, the Movants are nonetheless seeking information that goes beyond the scope of the proceeding. In the underlying question, the Movants claim to be seeking information relative to the existence of an interstate natural gas pipeline and the potential co-existence of the Northern Pass project with that pipeline. The basis the

Movants provide for the request in this docket appears to hinge upon allegations about the meaning of statements offered to the Site Evaluation Committee (“SEC”), and which have nothing at all to do with the terms of the lease at issue here. Furthermore, the Movants make the unsupported assertion that certain standards may not be met under a statute that applies to the SEC, but make no effort to demonstrate how or why that has or would have any bearing on the reasonableness of the lease that is the subject of this docket, or on their request in particular. They make only unfounded claims that some alleged evidence in a separate proceeding, with a different scope and purpose, could lead to some specified result, and that if it does the Northern Pass project might not be constructed. Such attenuated speculation, divorced from any relevance to the matters at issue in the docket, cannot be the basis for granting a motion to compel. The Motion should be denied.

5. Eversource notes two additional concerns with the Motion. First, despite the Commission’s clear reminder to intervenors about the scope of the proceeding, the Movants have elected to file this motion which both ignores the Commission’s rules and goes beyond the scope of the docket. Such a flouting of the Commission’s requirements warrants additional scrutiny on intervenor conduct here. Second, the Movants have, again, requested that the Commission award them costs and fees. For the reasons set out in Eversource’s May 10, 2017 filing in this docket, such a request should be denied. Additionally, these unfounded yet repeated requests for remuneration despite the facts that the Movants were aware they would be required to bear their own expenses, and that they do not qualify for any award of costs, is troubling, and likewise may justify additional Commission scrutiny on the conduct of intervenors in the docket.

WHEREFORE, Eversource respectfully requests that the Commission:

- (1) Deny the Movant's Motion; and
- (2) Order such further relief as may be just and equitable.

Respectfully submitted,

**Public Service Company of New Hampshire d/b/a
Eversource Energy**

7/17/17

Date

By: 

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

7/17/17

Date



Matthew J. Fossum